

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ISMAEL JUAREZ, on behalf of himself and others
similarly situated,

Plaintiff,

-against-

AIDA RESTAURANT CORP. d/b/a MISHIMA JAPANESE
RESTAURANT, NAKAO HIRAKATA, VIVIAN SOH, and
TOSHI UEKI,

Defendants.
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Case No. 12-CV-7066
(KNF)

**STIPULATION
AND ORDER
OF DISMISSAL**

WHEREAS, on September 19, 2012, Plaintiff Ismael Juarez (hereinafter "Plaintiff") filed a complaint in which Plaintiff asserted claims for, *inter alia*, unpaid wages and overtime compensation under the Fair Labor Standards Act, 29 U.S.C. §§ 201, *et seq.* ("FLSA"), and the New York Labor Law;

WHEREAS, although commenced as a putative collective and class action, Plaintiff did not seek any certification and no individuals received notice of this action;

WHEREAS, the parties settled this action based on the recommendations of the Honorable Kevin N. Fox, U.S.M.J., during a settlement conference held in open court and on the record on June 4, 2013, the terms of which were and are considered fair and reasonable, and which are incorporated herein by reference; and

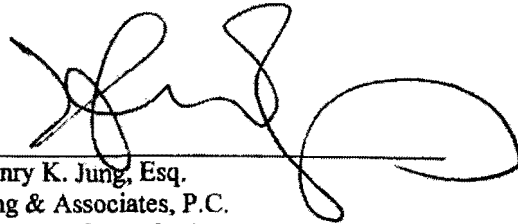
WHEREAS, the United States District Court for the Southern District of New York, shall retain jurisdiction over all proceedings solely to enforce the terms of the settlement between the parties in this action;

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned counsel for the Plaintiff and Defendants, that this action is hereby dismissed and discontinued in its entirety with prejudice pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, with no award of counsel fees or costs by the Court to either side.

Dated: New York, New York
October 2, 2013

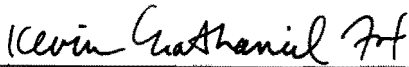


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SO ORDERED: 10/4/13



Hon. Kevin N. Fox, U.S.M.J.

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